

Application No.: 09/732,282
Response dated October 7, 2003
Reply to Office Action of July 25, 2003

REMARKS/ARGUMENTS

The above-identified patent application has been amended and reconsideration and re-examination are hereby requested..

The claims presented for examination are Claims 2-8, 12-14, 24-26, 35-36, and 44-46. Claims 1, 9-11, 15-18, 22-23, 27-34 and 37-43 are cancelled.

Claims 19-21 are withdrawn and are subject to a restriction requirement.

Claims 2, 6, and 8 have been re-written into independent form and therefore claims 2-8 are in condition for allowance.

Claim 12 has been re-written into independent form and claim 12 is in condition for allowance.

Claim 46 has been re-written into independent form and claim 46 is in condition for allowance-

Claim 13 has not been considered by the Examiner. It is noted that such claim includes:

a plurality of ball bearings disposed within said raceway wherein said valve moves axially responsive to rotation of said rotor to move said valve head against a valve seat in said engine to prevent gas flow into or out of an engine cylinder.

Claim 14 stands rejected under 35 USC 102 as being anticipated by Ozaki et al. The claim requires the use of a ball nut in the arraignment claimed. A ballnut is a nut having balls where the treads are as described in the subject patent application. Use of a ballnut is not described in Ozaki et al.

Claim 24 has not been considered by the Examiner. It is noted that such claim includes:

said valve head movement being stopped upon an indication that said valve head has seated against said valve seat.

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It is respectfully submitted that such is not described in Schroeder et al. USP 5598814 at column 6, lines 32-65. There, patentee describes stopping the valve over several engine cycles. Applicant, on the other hand, claims "said valve head movement being stopped upon an indication that said valve head has seated against said valve seat"

It is respectfully submitted therefore that claim 24 is not described in Schroeder et al. USP 5598814 at column 6, lines 32-65.

Claims 26, 35, and 36 have not been considered by the Examiner.

Claim 26 has not been considered by the Examiner.

Claim 44 stands rejected under 35 USC 102 as being anticipated by Schroeder et al (PN 55988124) and Van Der Staacy (PN 6,425,355). Claim 44 includes:

commanding said valve member to stop when said position signal indicates said valve member is proximate a valve seat of an engine cylinder

It is respectfully submitted that such is not described in Schroeder et al. USP 5598814 at column 6, lines 32-65. There, patentee describes stopping the valve over several engine cycles. Applicant, on the other hand, claims " commanding said valve member to stop when said position signal indicates said valve member is proximate a valve seat of an engine cylinder".

With regard to Van Der Staacy (PN 6,425,355), it is respectfully submitted that the step of: " claims " commanding said valve member to stop when said position signal

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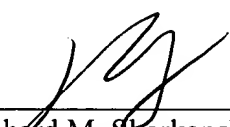
indicates said valve member is proximate a valve seat of an engine cylinder" is not described in such patent.

In the event any additional fee is required, please charge such amount to Patent and Trademark Office Deposit Account No. 50-0845.

Respectfully submitted,

Date

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